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A Handbook for Jurors

in Illinois

Civil Cases

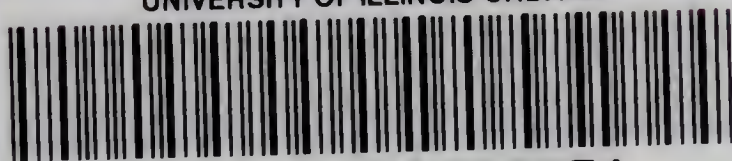
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Preface

This book is written to help you understand your work as a juror in civil cases. You have been summoned to render interesting and important service as a juror. Your services will be as important as those of the judge. You are obligated to perform these duties honestly and conscientiously without fear or favor.

How you were chosen as a juror

Duly appointed persons prepare a list of legal voters. This is known as the jury list. Names of jurors are drawn by lot from this prepared jury list. You were selected in this manner. During the time of your service you should report promptly as directed and accept your duties with seriousness.

Importance of jury service

Personal inconveniences may be caused by jury service, but if we are to preserve trial by jury as part of our democratic way of life it is necessary that citizens of all walks of life serve on juries. As a juror, you will serve as an officer of the court along with the lawyers and judges. Only a small percentage of citizens are ever privileged to serve as jurors. This may be your only chance to be a juror and to be a part of our judicial system.

Jurors are paid an amount per day set by state law. This is a low amount, but you should consider jury service as a privilege of citizenship and your compensation in the nature of an honorarium. To serve as a juror is one of the highest responsibilities of citizenship, just as it is to vote or to serve in the defense of your country. Once you have served on a jury you will find this experience worthwhile and important and you will always remember the part you played in the court system.

Oath of a juror

The entire group of jurors sent to a courtroom is called a jury panel. You will be asked to rise

and to swear or affirm to answer truthfully all questions asked of you touching upon your qualifications to act as a juror in the case.

Selection of a trial jury

You will be questioned by the judge and the lawyers. If you cannot be fair and impartial after you learn the nature of the suit you may be excused from serving. Lawyers have a duty to their clients to ask proper questions to assist them in deciding which jurors to select. You should be patient and cooperative. It may seem to you that some of the questions are personal, but it is not intended that any question should embarrass or reflect upon a juror in any way. No person should be offended if he is excused from sitting as a juror. The law permits each attorney to excuse a certain number of jurors without giving reason. Each juror may be asked whether he has a personal interest in the outcome of the case, has preconceived opinions about it, or is prejudiced in any way. If any juror knows any of the parties to the suit or the lawyers in the case, or has personal knowledge or information about the matters involved, it is his duty to so inform the judge when questioned.

After the jury has been selected, the jurors will be asked to rise and to swear or affirm to well and truly try the matters in issue and a true verdict render according to the evidence and the law.

Everyone is entitled to a jury of fair and impartial persons who will listen attentively and decide the case only upon the evidence and instructions of the court.

Opening statements

Opening statements are made by the lawyers for the *plaintiff*—the party bringing the suit—and thereafter may be made by the lawyers for the *defendant*—the party against whom the suit is brought. These statements are for the purpose of informing you of the nature of the case to be tried and the evidence that will be offered. The jury should remember that opening statements are not evidence in the case.

The presentation of evidence

WITNESSES

You will hear from the witnesses for the plaintiff first and then the defendant may call witnesses. Each witness at the trial, before testifying, is sworn to tell the truth. The witnesses on either side are first asked questions by the attorneys who called them to the stand. This is called direct examination. The witnesses may then be questioned by the attorneys on the other side. This is called cross-examination. Jurors should not ask questions of witnesses, for all of the competent testimony of the witnesses should be brought out by the questions of the lawyers who have been specially trained in the rules of evidence.

The jurors are the sole judges of the credibility of the witnesses and of the weight to be given to the testimony of each of them. In determining the credit to be given any witness you may take into account his ability and opportunity to observe, his memory, his manner while testifying, any interest, bias or prejudice he may have and the reasonableness of his testimony considered in the light of all the evidence in the case.

EVIDENCE

Evidence falls principally into two classes—testimony and exhibits. Testimony consists of statements made by witnesses under oath. Exhibits are physical objects such as photographs, written documents, x-rays, and so forth.

It is your duty to determine the facts from the evidence produced in open court. At the conclusion of the case the judge will give you instructions as to the law. You are to apply the law to the facts and in this way decide the case. Neither sympathy nor prejudice should influence you.

OBJECTIONS

There are many rules regarding the presentation of evidence which the judge must apply in deciding what evidence is or is not admissible in the trial for the jury's consideration. These rules are complicated and not easily understood by people who have not devoted years to the study of law. They have been developed through the

years so that we may have fair and orderly trials. When a question is asked which either attorney believes is in violation of these rules, he has a right to object to the question. Therefore, no juror must allow himself to be prejudiced for or against one side or the other of a case on account of objections made by an attorney to the introduction of evidence. The judge then decides whether the question must be answered by the witness. A ruling by the judge does not mean he is taking sides. He is merely deciding that the law does or does not permit the question to be answered. At times the jury will be excused from the courtroom while objections are being discussed or for other reasons. Under the law various matters must be heard out of the presence of the jury. When a trial is necessarily interrupted for these reasons, you should not feel that your time is being wasted.

Jury conduct during the trial

Jurors are expected to bring to bear all the experience, common sense, and common knowledge they possess, but they are not to rely upon any private sources of information. This rule is only fair to the parties. It follows that a juror should never inspect the scene of an accident or other event involved in this case. For the same reason jurors must not discuss the case with anyone or read about it in the newspapers or listen to radio broadcasts or watch telecasts about it until after the conclusion of the trial. You must not discuss the case with your fellow jurors or form or express any opinion concerning the case until it is submitted to you for your determination.

From what has been said, it will be seen that the work of a juror is of the utmost responsibility, and in the discharge of this responsibility he must be diligent in effort, and conscientious in thought. Otherwise grave injustice may come about. The jurors must decide the facts and apply the law impartially and alike, without favor, to rich and poor, to corporations and to individuals, to men and to women, and to all litigants without regard to race, color or creed.

Arguments of counsel

When all the evidence has been presented the attorneys for the respective parties will be given an opportunity to address the jury. The lawyer for the plaintiff is usually heard first and he will analyze the evidence and attempt to convince the jury that under the evidence his client is entitled to have the case decided in his favor. The lawyer for the defendant may then make an argument for the same purpose. The plaintiff's lawyer is then allowed to answer the arguments of the defendant's lawyer. You should listen to these arguments carefully, but always remember that arguments of counsel are not evidence in the case.

Instructions of the court

The judge will instruct the jury as to the law. You must apply the law as given you by the court to the facts in the case as you find them. You should listen to these instructions very carefully, bearing in mind that it is your sworn duty to follow the law.

Jury room conduct and deliberation

Your first duty upon retiring at the close of the case is to select your foreman. The foreman acts as chairman. It is his duty to see that the discussion is carried on in sensible and orderly fashion and that every juror has a chance to say what he thinks. Discussion in the jury room should never be so loud that it can be heard outside.

Jurors should deliberate with open minds, give respectful consideration to the opinions of fellow jurors, freely exchange views or opinions concerning the case and not be hesitant to change their minds when reason and logic so dictate. To reach a verdict all jurors must agree.

Remember, it is your solemn oath to decide the case according to the law and the evidence.

The jury's deliberation is secret. When a verdict is reached, the foreman informs the bailiff of that fact. The jury then returns to court and gives its verdict.